

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
APRIL 9, 2015

The Cass County Joint Water Resource District met on April 9, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Ken Loughheed, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas Andrud, Attorneys for the Board; Lee Beauvais and Kurt Lysne, Engineers for the Board; Bruce Spiller, John Albrecht, and Ty Smith, CH2M HILL Engineers, Inc.; Dustin Dale and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); and Jacob Gust, Reed Township resident.

Minutes

It was moved by Manager Loughheed, seconded by Manager Jacobson, and unanimously carried to approve the minutes of the March 24, March 26, and March 31, 2015, meetings.

Agenda

It was moved by Manager Wolfer, seconded by Manager Olson and unanimously carried to approve the agenda, as amended.

Metro Flood Diversion Project – access update

Chris McShane gave an update to the Board. *Right of Entry Agreements* are going out to approximately 40 landowners for geotechnical surveys to be done over the summer and into the fall. A positive response has been received for the *Right of Entry Agreements* sent to landowners for cultural resource surveys.

Mr. McShane is coordinating with the Corps of Engineers to determine when property is needed for surveys.

Lee Beauvais stated soil borings around the bridge area near Cass County Highways 16 and 17 are almost complete. Lyndon Pease will be coordinating with the Corps of Engineers to determine the number of soil borings completed over the winter and the payments required.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – appraisal review and approval

It was moved by Manager Olson and seconded by Manager Jacobson to approve the following:

- The appraisal of 724 North River Road, Fargo, North Dakota, with an effective date of value of February 12, 2015, as just compensation for acquisition of the property for the In Town Levees Project.
- The appraisal of 749 Riverbend Road, Oxbow, North Dakota, with an effective date of value of January 21, 2015, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 833 Riverbend Road, Oxbow, North Dakota, with an effective date of value of January 21, 2015, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – relocation benefits

Tanaya Reitz presented a summary of relocation payment requests for residents of the In Town Levees Project.

It was moved by Manager Jacobson, seconded by Manager Loughheed to approve the following:

- Payment for moving costs in the amount of \$1,190.00 and rental assistance in the amount of \$6,720.00 for Park East Unit #1-201 regarding the In Town Levees Project;
- Payment for rental assistance in the amount of \$7,200.00 and Last Resort Housing costs in the amount of \$2,728.38 for Park East Unit #1-205 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,330.00 and rental assistance in the amount of \$5,040.00 for Park East Unit #1-308 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,190.00 and rental assistance in the amount of \$5,040.00 for Park East Unit #1-309 regarding the In Town Levees Project;
- Payment for rental assistance in the amount of \$2,247.00 for Park East Unit #3-303 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,015.00 and rental assistance in the amount of \$5,040.00 for Park East Unit #3-403 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$4,388.00 and rental assistance in the amount of \$3,150.00 for Park East Unit #5-312 regarding the In Town Levees Project;

- Payment for closing costs in the amount of \$2,762.72 and replacement housing price differential in the amount of \$34,900.00 for property at 18 North Terrace, Fargo, North Dakota, regarding the In Town Levees Project;

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – land acquisition

Lukas Andrud gave an update on land acquisition.

It was moved by Manager Wolfer and seconded by Manager Loughheed to approve the *Addendum to Purchase Agreement* for property located at 17495 52nd Street SE in Pleasant Township regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Tanaya Reitz presented and briefly reviewed the *Land Management Summary* and *FM Area Diversion Land Acquisition* property atlas.

The Corps of Engineers has several appraisers working on completing appraisals on the In Town Levees Project and the Oxbow-Hickson-Bakke Ring Levee Project.

Two *Purchase Agreements* were signed for property in Section 23 in Raymond Township.

It was moved by Manager Loughheed and seconded by Manager Olson to approve and authorize Manager Jacobson to sign a letter to the Oxbow Job Development Authority requesting them to amend its covenants for Lot 32, Block 3 to allow for the construction of a two-story home with 1,825 square feet and to grant variance from the City of Oxbow to allow for construction of a 1,825 square foot two-story home on Lot 32, Block 2. Upon roll call vote, the motion carried unanimously.

Chris McShane gave a brief update on the annexation process regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Metro Flood Diversion Project – assessment district

The FM Flood Risk Management District No. 1 voting deadline is April 30, 2015, at 5:00 p.m. The Cass County Water Resource District office is receiving approximately 500 to 1,000 ballots per day.

Sean Fredricks is writing a response to the *Objection to the FM Flood Risk Management District No. 1 Project* filed by Jonathan Garaas. Mr. Garaas will be provided personal notification of when the response will be presented to the Board.

Manager Olson gave a brief update on the ballot information discussion held at the Diversion Authority Public Outreach Committee meeting.

Metro Flood Diversion Project – bonding

Sean Fredricks informed the Board John Shockley has drafted a *Memorandum* regarding *Overview of Intergovernmental Agreement for Special Assessment Bonds* for the Diversion Authority Finance Committee. Mr. Shockley anticipates presenting a draft of the *Intergovernmental Agreement* to the Diversion Authority Finance Committee in May. Mr. Fredricks stated he will send out the *Memorandum* to the Board.

Manager Brodshaug gave a brief update on the Diversion Authority Finance Committee meeting.

Bruce Spiller will provide information on P3 financing at the next meeting.

Metro Flood Diversion Project – project updates

Mr. Spiller stated advertising for Work Package 43D regarding the Oxbow-Hickson-Bakke Ring Levee Project will begin next week. A recommendation will be brought to the Board in May, with work to begin in June. The Board will not award a contract on the project until the necessary right of way is in place.

CH2M HILL Engineers, Inc. will issue a request for quotes next week for tree removal for the Oxbow-Hickson-Bakke Ring Levee Project.

Discussion was held on the 42-inch steel pipe for the Oxbow-Hickson-Bakke Ring Levee Work Package 43D.1. Federal Steel Supply sent a clarification of the bid to include additional pipe and other costs not included in the original bid.

Upon recommendation of CH2M HILL Engineers Inc., it was moved by Manager Olson and seconded by Manager Jacobson to approve the additional costs and revised bid quote from Federal Steel Supply, not to exceed an additional \$30,000, for the 42-inch steel pipe regarding Oxbow-Hickson-Bakke Ring Levee Work Package 43D.1. Upon roll call vote, the motion carried unanimously.

Discussion was held on advertising, contractor bid clarification, right-of-way access, and timelines.

Ty Smith presented program and construction updates for the Oxbow Golf and Country Club and the Oxbow-Hickson-Bakke Ring Levee Project.

It was moved by Manager Olson and seconded by Manager Wolfer to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$40,420.00 for the April 2015 project management fee and for a Builder's Risk Policy through Dawson Insurance for the Oxbow Golf Course. Upon roll call vote, the motion carried unanimously.

Mr. Smith provided the Board with a review and concerns from a construction kick-off meeting coordinated by Gary Killebrew, KillerGolf, LLC, with other construction contractors and construction companies regarding the Oxbow Golf Course.

- The current water level in the Oxbow Golf Course pond is significantly lower than expected. Due to the low water level in the pond it is probable a temporary pump will need to be in place for approximately 40 days. CH2M HILL Engineers Inc. will present a recommendation through a Change Order to the Board for consideration when the plan and cost from the contractor has been finalized.
- The estimate for construction of the Oxbow Golf Course pump house is approximately \$250,000 to \$300,000.
- After reviewing the construction plans for the pump house, it was discovered rest rooms were included in the plan, which were not included in the Master Agreement. The rest rooms are considered a betterment and would not be reimbursable. Mr. Smith will ask Oxbow Golf Course to split out the cost of the construction of the rest rooms from the construction of the pump house.
- The Oxbow Golf Course land bridge removal contract will be shifted from Dakota Underground to Landscapes Unlimited and the contractors will work out the agreements between themselves.

Manager Olson gave a brief update on a meeting held April 7, 2015, with NDSU researchers from the Department of Agribusiness to discuss several production considerations being incorporated into the analysis of the financial impact of staging water as part of the proposed Metro Flood Diversion Project. A number of Diversion Authority Agricultural Policy Subcommittee members were in attendance.

Mr. Olson also reported that he and Mark Bittner were able to view the Maple River Aqueduct at Rosemount, Minnesota, in March. It was very informative and changes were made to the running model due to the potential for erosion.

Engineering Services Contract

Lee Beauvais presented and briefly reviewed the contract and task orders between Moore Engineering, Inc. and the Cass County Joint Water Resource District. Land management contracts will be separate and presented at a future meeting.

It was moved by Manager Jacobson and seconded by Manager Olson to approve the *Agreement Between Owner and Engineer for Professional Services - Task Order Edition* between Cass County Joint Water Resource District and Moore Engineering, Inc. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Loughheed to approve Task Order No. 1 for general engineering and consulting services with Moore Engineering, Inc. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve Task Order No. 2 for general engineering and consulting services regarding the Maple River Dam, excluding land management, with Moore Engineering, Inc. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Loughheed to approve Task Order No. 3 for engineering and consulting services from Moore Engineering, Inc., not to exceed \$400,000, as outlined in the *Proposal, Maple River Watershed Comprehensive Detention Plan, Phase II, Detention Project Development & Preliminary Engineering Design Report for the Swan Creek Watershed*. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Loughheed to approve Task Order No. 4 for engineering and consulting services from Moore Engineering, Inc., not to exceed \$400,000, as outlined in the *Proposal, Maple River Watershed Comprehensive Detention Plan, Phase II, Detention Project Development & Preliminary Engineering Design Report for the Upper Maple River Watershed*. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Loughheed to approve Task Order No. 5 for engineering and consulting services from Moore Engineering, Inc., not to exceed \$400,000, as outlined in the *Proposal, Rush River Watershed Comprehensive Detention Plan, Phase II, Detention Project Development & Preliminary Engineering Design Report for the Rush River Watershed*. Upon roll call vote, the motion carried unanimously.

Western Cass Flood Insurance Study

Mr. Beauvais updated the Board on the Western Cass County Flood Insurance Study and his discussions with the modeling team. Moore Engineering, Inc. has been meeting with the townships and public to discuss the study.

Maple River Dam - Agreement with Highland Township

Kurt Lysne updated the Board on his meeting with the Highland Township Board to discuss the *Agreement* between Cass County Joint Water Resource District and Highland Township regarding the road closure procedures and other items pertaining to the Maple River Dam. The township indicated they would prefer an annual agreement. The Board would prefer a longer term agreement, but is willing to consider annual agreements. Mr. Lysne will continue working on the matter with the township.

Legislative update

Mr. Fredricks updated the Board on HB 1095. The House refused to concur on the amendment offered and the bill will now go to conference committee. Mr. Fredricks encouraged the Managers to send emails to the committee.

Bills

It was moved by Manager Wolfer and seconded by Manager Loughheed to approve the payment of Checks #11744 through #11762, and the electronic funds transfer, as presented. Upon roll call vote, motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Loughheed, seconded by Manager Wolfer, and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer